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Courthouse
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St. Ignace, MI 49781
Fax (906) 643-8861

MARK MacDONALD
Juvenile Officer
Referee
Court Administrator
(906) 643-7320

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Probate Register
(906) 643-7303

KATHLEEN ANNE KITTELL
Juvenile Register
Court Recorder
(906) 643-7319

STATE OF MICHIGAN



SIXTH PROBATE COURT

THOMAS B. NORTH
PROBATE JUDGE

LUCE COUNTY
Courthouse
County Government Bldg.
407 West Harrie Street
Newberry, MI 49868

DEBORAH J. STROHL
Probate/Juvenile Register
Court Recorder
(906) 293-5601

MICHAEL M. WOLF
Juvenile Officer
Court Administrator
(906) 293-5751

September 19, 2006

Mr. Corbin R. Davis
Michigan Supreme Court Clerk
Michigan Hall of Justice
P. O. Box 30052
Lansing, MI 48909

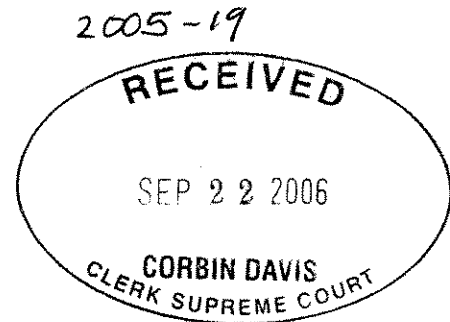
Dear Mr. Davis:

RE: Proposed Amendment to MCR 2.513

I am writing to comment on the proposed amendment to MCR 2.513 as it appeared in the September Michigan Bar Journal. In particular, the amendment would add a new mandate that the court "shall provide each juror with a copy of such (pretrial jury) instructions." This court adamantly opposes such new mandate as impossible to comply with in most cases.

Regardless of the intent behind the proposal or number of trials conducted, coupled with the thousands of other unfunded new mandates over the past several years, there simply is no judicial or staff time remaining prior to any jury trial to prepare such copies. This court's current state mandated workload prevents myself or staff from any possibility of preparing for any jury trial in advance until the evening before jury selection. In the one to two hours of preparation time that exists then, there is **no** judicial time to make a list of instructions for staff to copy, or staff time to do the copying. (Our counties both prohibit staff overtime for such office work.) Therefore, even if the proposed amendment is adopted, it can only possibly be complied with in most cases if the state funds additional judgeships, staff resources, and facilities. Current resources are insufficient to carry out current mandates, much less any new ones, even if the new mandates would only take a few hours per year of work to comply with.

Finally, as to MCR 2.513(N) as proposed, this court adamantly opposes the requirement that all jurors always be given a copy of final instructions. Our court only has one staff person during many jury trials. Such a requirement would delay every trial into an additional day, as the court reporter spends the hours necessary to make such copies before the jury can be sent for deliberations. Given the near impossible task our court already has scheduling jury trials without our own courtroom (we have to "borrow" one), this requirement will prevent trials from being scheduled within the time frames of the court rules. For example, to schedule what would now



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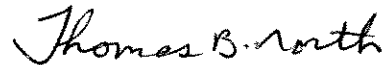
be a two day jury trial will require adding a third day, which will delay the scheduling of trials for months until such time as a three day trial becomes possible due to courtroom unavailability, staff unavailability, the court's docket between two counties every week, and attorney availability.

Please be advised that we do not have electronically recorded or generated jury instructions.

In most cases, the jurors do not request a copy of the instructions, so this is another example of an "across the board" proposal that would create completely unnecessary delay and expense without reason.

Thank you, as always, for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Thomas B. North".

Thomas B. North
Probate Judge

TBN:jlr